

TO: Jon Heinrich-Wisconsin Department of Natural Resources
FROM: David Jenkins, Wisconsin Electric Cooperative Association
RE: Our Comments on Proposed NR 446
DATE: October 15, 2001

The following are our comments on the proposed creation of NR 446, regulating mercury emissions in Wisconsin:

The Wisconsin Electric Cooperative Association represents Wisconsin's 24 electric cooperatives which provide electric power to 9% of Wisconsin's electric consumers. Included in our membership is Dairyland Power Cooperative which provides wholesale electric service to 18 Wisconsin electric cooperatives as well as cooperatives in three adjacent states.

In Wisconsin 200,000 electric cooperative consumers will be affected by the proposed rule.

Who Will Pay the Costs of Implementing the Proposed Rule?

Not utilities.

Cooperatives, like municipal and investor-owned utilities must recover their costs in rates they charge consumers for electric service. The costs of complying with the rule will show up each month in the electric bills of the state's 2,200,000 electric consumers. For most electric cooperatives in Wisconsin, that cost will be approximately \$11.00 per month. This figure is for residential customers.

For farmers, commercial and industrial customers, it will be much more expensive. A dairy farmer, for example, uses four to five times as much electricity as a residential consumer.

It could be higher for some electric cooperatives, depending on where they source their power supply. A typical electric cooperative member's electric bill is about \$75.00 per month. So this charge will represent a 14.7% rate increase for our members.

Electric utility **customers** will pay the costs of this rule.

Is Mercury a Public Health Problem in Wisconsin (or is it likely to be)?

Certain forms of mercury act as nerve toxins and can cause damage to the central nervous systems of humans.

However, exposure to mercury in the environment that can cause central nervous system damage is rare.

Last week, I called the Division of Environmental and Occupational Health at the State Department of Health and Family Services. I inquired as to how many cases of mercury poisoning the state was recording on their database each year.

The employee from DHFS indicated that they do not collect information on mercury poisoning so she didn't know.

Similarly, a check of the Center for Disease Control's web site and database will reveal health statistics on hundreds of diseases and disorders. However, no statistics on mercury poisoning appear on those databases either.

If mercury-caused illnesses are a public health problem, or potentially a public health problem, in Wisconsin, why doesn't the state health department collect information on them?

If the Proposed Rule Were to be Fully Implemented Can the DNR Provide Assurance that Fish Consumption Advisories on Even a Single Lake in Wisconsin Would be Removed?

No. They cannot.

The DNR has ignored requests from utilities to consider the most basic, important fact about this issue: that mercury travels in the air and moves from state-to-state and region to region. The federal level is a much more appropriate venue to deal with mercury regulation.

The DNR insists that Wisconsin should, if necessary, be the only state in the country to regulate mercury emissions, and to do so in a draconian way-requiring a 90% reduction in a 15-year time period. **This requirement, by the way, is not possible for our members to meet without entirely rebuilding their power plants** (The rate impact figures above are for phase II compliance).

Does the Proposed Rule Affect Electric Reliability in Wisconsin?

According to the Public Service commission the proposed rule would

1. Present unacceptable future impacts on the reliability of the state's electric supply portfolio;
2. Present adverse future impacts on the state's electric generation fuel mix;
3. Result in unreasonable rate increases for electric consumers;
4. Produce *insignificant* environmental and health benefits;
5. Represent an endorsement of a *fundamentally flawed* state-based mercury reductions program.

(source: October 2, 2001 letter from the members of the Public Service Commission to Jon Heinrich, Department of Natural Resources)

How Much Mercury in Wisconsin Lakes Comes From Wisconsin Coal-fired Electric Power Plants?

Not as much as the DNR Bureau of Air Management thinks.

Approximately 10% of the mercury in Wisconsin lakes comes from Wisconsin power plants in this state. Other sources of mercury include volcanoes, forest fires, out-of-state utilities, other types of industries (both in-state and out-of-state) and other sources.

Wisconsin utilities will have to spend hundred of millions of dollars attempting to eliminate a rather small percentage of the mercury in lakes. There is simply no cost-benefit relationship at all.

Do Existing Mercury Emissions Harm Fish or Wildlife in Wisconsin?

There is virtually no evidence that mercury emissions from utilities in Wisconsin cause harm to the state's fish or wildlife.

Conclusion

The proposed NR 446 is one of the most expensive, least effective, and least science-based rules ever promulgated by the Department of Natural Resources. It is terribly expensive, and will not significantly reduce mercury in the environment.

The Natural Resources Board should reject this rule.

The Natural Resources Board should instruct the staff of the Department to terminate its mercury rule-making process.

We also request that the Department extend the comment period on this proposed rule until November 15, 2001 (or re-open it until that date).